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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/829,164      | 04/09/2001  | Amando B. Isip JR.   | 47185/08172         | 8279             |

7590 05/05/2005

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EXAMINER

TO, BAOQUOC N

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2162

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/829,164

Applicant(s)

ISIP, AMANDO B.

Examiner

Baoquoc N To

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 02/03/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 02/03/2005 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/829,164 is acceptable and a CPA has been established. An action on the CPA follows.

2. Claims 1, 13, 20, 27-28, 31 and 37 are amended in the amendment filed on 02/03/2005.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 8, 13, 20, 27-28, 31 and 37 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Courter et al. (US. Patent No. 6,119,128) in view of Kershaw et al. (US. Patent No. 5,565,316).

Regarding on claims 1, 13, 20 and 27, Courter teaches a method for reorganizing data, comprising:

Reading each record of a source file (primary storage device) (col. 4, lines 40-41);

Writing (copy) each record to a destination file (secondary storage device) (col. 4, lines 41-43);

Reading each log record in of the log file (read before copy back from the secondary to primary copy) (col. 4, lines 46-50);

Processing each record of the log file to effect the associated change to the destination file (col. 4, lines 45-47); and

replacing the source file with the destination file (col. 4, lines 48-51).

Courter does not explicitly teach creating a log file, the content of the log file being limited to a subset of all log records, each log record associated with a change to be made to the destination file. However, Kershaw teaches creating a log file, the content of the log file being limited to a subset of all log records, each log record associated with a change to be made to the destination file (col. 15, lines 37-44). This suggests that the concept of creating the log containing the content of other log. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Courter's system to include creating the log as the backup of the other log as taught by Kershaw in order to utilize the back log to restore when the other log is failed.

Regarding on claims 2, 14 and 21, Courter teaches the source file is an index file (col. 4, lines 37-38).

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Regarding on claims 3, 15 and 22, Courter teaches the source file is a data file (data in storage is data file) (col. 4, lines 45-50).

Regarding on claims 4, 16 and 23, Courter teaches the step of creating a log file is performed in accordance with instruction of a DBMS log routine (DBMS) (col. 3, lines 29-30).

Regarding on claims 5, 17 and 24, Courter teaches the log file contains a subset of all records processed by the RDBMS log routine (col. 5, lines 46-54).

Regarding on claims 6, 18 and 25, Courter teaches the log file records are selected based on a program call establish by reorganization utility (col. 6, lines 5-13).

Regarding on claims 7, 19 and 25, Courter teaches the program call is removed prior termination of the reorganization utility (col. 6, lines 14-20).

Regarding on claims 28, 31, and 37, Courter teaches a method of reorganizing the data, comprising:

Creating an empty destination file (second data storage) (col. 4, lines 40-42);

Establishing a program call to copy selected log records during a reorganization (copies of the database partition are stored in the secondary index) (col. 4, lines 40-42);

Reading each record of a source file (read data in order to copy the data to the second storage devices) (col. 4, lines 35-40);

Writing each record to the destination file, thereby creating a reorganized copy of the source file (copies the data into the second storage devices) (col. 4, lines 35-40);

Removing the established program call (col. 4, lines 45-55);

Reading each log record of the log file (read before copy back from the secondary to primary copy) (col. 4, lines 46-50);

Processing each record of the log file to effect the associated change to the destination file (the recovery system 222 extracts all of the pertinent log records containing updates to all of the object being recovered) (col. 4, lines 48-51); and replacing the source file with the destination file(col. 4, lines 48-20).

Courter does not explicitly teach employing the established program call to create a log file, the contents of the log file being limited to a subset of all log records, each log record associated with a change to be made to the destination file. However, Kershaw teaches creating a log file, the content of the log file being limited to a subset of all log records, each log record associated with a change to be made to the destination file (col. 15, lines 37-44). This suggests that the concept of creating the log containing the content of other log. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Courter's system to include creating the log as the backup of the other log as taught by Kershaw in order to utilize the back log to restore when the other log is failed.

Regarding on claims 29, 32 and 35, Courter teaches the source file is an index file (col. 4, lines 35-45).

Regarding on claims 30, 33 and 36, Courter teaches the source file is a data file (col. 4, lines 35-45).

Courter teaches the limitations of claim 34, and further discloses a processor (one or more processor); a memory connected to said processor storing program to control

the operation of said processor (one or more storage devices); the processor operate with the program in the memory to (col. 3, lines 11-17).

Regarding on claim 8, Courter teaches a method for logging changes by a database management system, comprising:

Identifying a change to be logged (modification) (col. 4, lines 45-46);

Creating a log record based on the change (modification are logged in a log file) (col. 4, lines 46-47);

Determining whether the changes affects a reorganizing process (col. 6, lines 6-13);

Storing the log record in the first log file recording selected changes if the change affects the reorganization process (col. 5, lines 48-50); and

Courter does not explicitly teach storing the log record in a second log file recording all changes. Kershaw teaches storing the log record in a second log file recording all changes (col. 15, lines 36-44). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Courter's system to include storing the changes in the second log file as taught by Kershaw in order to provide the backup log system to restore the changes to the database when the first log is failed.

Regarding on claim 9, Courter teaches the first log file resides in virtual storage (buffer) (col. 1, lines 28-29).

Regarding on claim 10, Courter teaches the first log file resides in dataspace (table space) (col. 1, lines 25-26).

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Regarding on claim 11, Courter teaches the first log file resides in hiperspace (col. 1, lines 25-26).

Regarding on claim 12, Courter teaches the first log file resides in DASD (col. 5, lines 18-20).

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

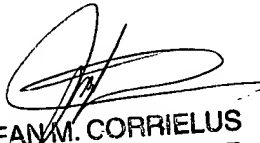
Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Baoquoc N. To

April 30th, 2005

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER